

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

ATTY.'S DOCKET: EINAT1.1D

In re Application of:	)	Conf. No.: 1554
	)	
Paz EINAT et al	)	Art Unit: 1635
	)	
Appln. No.: 10/091,333	)	Examiner: B. A. Whiteman
	)	
Filed: March 6, 2002	)	Washington, D.C.
	)	
For: HYPOXIA-REGULATED GENES	)	May 14, 2007

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated November 14, 2006, of the Primary Examiner. The claims appealed are claims 17, 20, 21 and 40.

The item(s) checked below are appropriate:

       Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XX The fee has been calculated as shown below:

XX \$500.00

       \$250.00 (small entity)

       Not required (fee paid in prior appeal)

XX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[ ] First - \$ 60.00

[ ] Second - \$225.00

[ ] Third - \$510.00

month after time period set

Other Than Small Entity

Response Filed Within

[ ] First - \$ 120.00

[ ] Second - \$ 450.00

[XX] Third - \$1020.00

month after time period set

[XX] Less fees (~~\$450.00~~) already paid for 2 months extension of time on April 16, 2007.

XX Credit card payment authorization is submitted herewith, authorizing the amount of \$ 1,070.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By: /rlb/

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